

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION**

)	
)	
ALWAYS COOKING BEST CRABS, LLC)	
)	
Plaintiff,)	
v.)	Civil Action No. 19-1203-DKC
)	
UNITED STATES ET AL.)	
)	
Defendants.)	
	/	

JOINT MOTION TO STAY ACTION

Plaintiff Always Cooking Best Crabs, LLC (“Best Crabs”) and the Defendants, United States of America and U.S. Department of Agriculture, by and through undersigned counsel, hereby file this Joint Motion to Stay Action and states as follows:

1. This action was brought by Plaintiff Best Crabs against Defendants United States and United States Department of Agriculture (collectively, “Defendants”) for judicial review of USDA Food and Nutrition Service’s Final Agency Decision withdrawing Best Crabs’ authorization to participate in the Supplemental Nutrition Assistance Program (“SNAP”) and for violation of the Freedom of Information Act.

2. On September 9, 2019, the Defendants filed their Motion to Dismiss or for Summary Judgment. Dkt. No. 18.

3. During the past month, the parties have engaged in settlement discussions. These discussions have resulted in a framework which may result in an amicable resolution of the parties’ dispute and the voluntary dismissal of this action. Although these discussions are ongoing, the parties are optimistic that an amicable resolution that may result in the voluntary dismissal of this action will be reached.

4. The proposed resolution that the parties are exploring will require Best Crabs to make certain changes to its business practices.¹ These changes may take as long as 90 days to fully implement. Thereafter, the Defendants may require as much as thirty days to conduct additional analysis. Depending on such additional analysis, a final amicable resolution may be reached that will result in the voluntarily dismiss of this action.

5. The parties jointly submit that, at this time, their resources are better devoted towards attempting to reach an amicable resolution rather than continuing to litigate this matter. The Defendants' motion to dismiss is currently pending and requiring the Plaintiff to respond thereto at this time will result in the expenditure of considerable time and expense, which the parties believe would be better devoted towards attempting to reach an amicable resolution.

6. The parties therefore jointly request that this Court stay this action for 120 days. No party will be prejudiced by the requested stay.

7. The parties also agree that in the event that either party seeks to terminate the stay, the stay should be terminated. No party shall oppose any motion to terminate the stay filed by any other party.

8. The parties also agree that if this matter is not voluntarily dismissed, the Plaintiff's opposition to the Defendants' motion to dismiss shall be due 30 days after the stay has been lifted.

WHEREFORE, Plaintiff Best Crabs and Defendants United States of America and U.S. Department of Agriculture respectfully request that this Court enter an Order staying this action for 120 days unless either party files a Motion to Terminate.

¹ Given the confidential nature of the proposed settlement, the specifics thereof have been omitted.

Dated this 7th day of November 2019.

By: /s/ J. Mason Weeda
Joseph Mason Weeda (D. Md. Bar No. 18276)
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Attorneys for Plaintiff Always Cooking Best
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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of November 2019, a copy of the foregoing was served via the CM/ECF system and via e-mail to:

Matthew Haven, Esq.
Assistant United States Attorney
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/s/ Stewart D. Fried
Stewart D. Fried